

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Method claims 10-14 have been withdrawn and rejoinder of claims 10-14 has been requested.

In item 1 on page 2 of the above-identified Office action, the Examiner has stated that the document "Optoelektronik I" submitted with the IDS on 9/13/2004 has not been considered because a concise explanation of the relevance thereof is not provided.

Applicants enclose herewith a concise explanation of the relevance for the document "Optoelektronik I" and consideration of the document is requested.

In item 2 on page 2 of the above-mentioned Office action, the Examiner has stated that the declaration filed 11/12/2004 under 37 CFR 1.131 is ineffective to overcome the Kinoshita (US PG-Pub 2003/0152125 A1) reference.

Although Applicants believe that Kinoshita is not available as a prior art reference under 37 CFR 1.131, Applicants will not continue to seek use of the declaration under 37 CFR 1.131 to

overcome Kinoshita, in order to facilitate prosecution of the instant application.

In item 4 on page 3 of the above-mentioned Office action, claims 1-9 have been rejected as being anticipated by Kinoshita under 35 U.S.C. § 102(e).

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in the last paragraph on page 3 of the specification as well as Fig. 1 of the drawings.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a semiconductor body having, at least partly, a crystal structure with principal crystal directions, a radiation exit face, and side faces laterally delimiting said semiconductor body, at least one of said side faces disposed obliquely with respect to the principal crystal directions and perpendicularly with respect to said radiation exit face.

Kinoshita describes a vertical emitting laser, the side faces of which, in contrast to amended claim 1 of the instant application, are oblique to a radiation exit surface. This

oblique arrangement is the result of the object of Kinoshita, which is to suppress the laterally propagating and disturbing laser modes. A perpendicular arrangement of the side faces with respect to the radiation exit face is not disclosed or suggested by Kinoshita because a perpendicular arrangement would not achieve the object of Kinoshita, namely to suppress horizontal propagating modes (see paragraph [0013]).

The perpendicular arrangement of the side faces with respect to the radiation exit face in connection with an oblique arrangement of the side faces with respect to the principal crystal directions has the advantage that a wafer can be sawn into individual semiconductor chips with low cost and thus advantageously avoid the formation of crystal defects (DLDs) due to the oblique arrangement of the side faces to the principal crystal directions. This kind of structure is not disclosed by Kinoshita.

Clearly, Kinoshita does not show "a semiconductor body having, at least partly, a crystal structure with principal crystal directions, a radiation exit face, and side faces laterally delimiting said semiconductor body, at least one of said side faces disposed obliquely with respect to the principal crystal directions and perpendicularly with respect to said radiation exit face," as recited in claim 1 of the instant application.

Claim 1 is, therefore, believed to be patentable over Kinoshita and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited. Rejoinder of method claims 10-14 is requested upon allowance of product claims 1-9 under MPEP 821.04 ("if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined").

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to

the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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Concise explanation of the relevance of "Optoelektronik I"

This document was originally submitted to the Examiner in Taiwanese Patent Office to explain the DLDs (Dark Line Defects) mentioned in the specification of the instant application. This document describes on pages 300 and 301 the ageing of the luminescent diodes and the formation of dislocation lines along the principal crystal directions (compare page 301, lines 10-14). In contrast to the invention of the instant application, this document describes the application of defect-free substrates or the selection of the finished semiconductor layers (or the finished semiconductor components) to avoid this kind of defect.